

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

**In re:**

**MARIA EUGENIA GIRALDO  
AKA MARIA E. GIRALDO  
DBA THE CRANE HEALTH FOOD DISTRIBUTORS  
CARLOS GUILLERMO GUEVARA  
AKA CARLOS G. GUEVARA  
DBA MECA NATURAL PRODUCTS,**

**Debtors.**

**CHAPTER 13**

**CASE NO. 10-37331-KRH**

**DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR THE  
REGISTERED HOLDERS OF MORGAN  
STANLEY ABS CAPITAL 1 INC. TRUST  
2007-HE6 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2007-HE6,**

**Plaintiff/Movant.**

**vs.**

**MARIA EUGENIA GIRALDO  
CARLOS GUILLERMO GUEVARA  
AKA CARLOS GUEVARA  
CARL M. BATES, TRUSTEE,**

**Defendants.**

**MOTION FOR RELIEF**

**NOTICE**

**YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)**

**IF YOU DO NOT WISH THE COURT TO GRANT THE RELIEF SOUGHT IN THE MOTION, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION, THEN WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE OF THIS MOTION, YOU MUST FILE A WRITTEN RESPONSE EXPLAINING YOUR POSITION WITH THE COURT AND SERVE A COPY ON THE MOVANT. UNLESS A WRITTEN RESPONSE IS FILED AND SERVED WITHIN THIS FOURTEEN (14) DAY PERIOD, THE COURT MAY DEEM OPPOSITION WAIVED, TREAT THE MOTION AS CONCEDED, AND ISSUE AN ORDER GRANTING THE REQUESTED RELIEF WITHOUT FURTHER NOTICE OR HEARING.**

**IF YOU MAIL YOUR RESPONSE TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL RECEIVE IT ON OR BEFORE THE EXPIRATION OF THE FOURTEEN (14) DAY PERIOD.**

**ATTEND THE PRELIMINARY HEARING SCHEDULED TO BE HELD ON FEBRUARY 2, 2011 AT 9:30 AM IN THE U. S. BANKRUPTCY COURT, RICHMOND DIVISION, U. S. COURTHOUSE, 701 EAST BROAD STREET, RICHMOND, VIRGINIA 23219 IN COURTROOM 5000.**

NOTICE FROM SAMUEL I. WHITE, P.C.

PURSUANT TO THE FEDERAL FAIR DEBT COLLECTION PRACTICES ACT, WE ADVISE YOU THAT SAMUEL I. WHITE, P.C., COUNSEL FOR THE PLAINTIFF, IS A DEBT COLLECTOR, ATTEMPTING TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION WE OBTAIN FROM YOU WILL BE USED FOR THAT PURPOSE.

**MOTION FOR RELIEF**

The Motion of Deutsche Bank National Trust Company, as Trustee for the registered holders of Morgan Stanley ABS Capital 1 Inc. Trust 2007-HE6 Mortgage Pass-Through Certificates, Series 2007-HE6, by Counsel, hereby moves the Court for relief from the automatic stay and in support thereof represents unto the Court:

1. This Court has Jurisdiction over this proceeding pursuant to 28 U. S. C. Sections 157 and 1334 and 11 U. S. C. 362 (d), and that this matter is a core proceeding.

2. The Debtors filed a Petition under Chapter 13 of the Bankruptcy Code on October 21, 2010.

3. The Debtors are the owners of the real property located at 2113 Pemberton Road, Richmond, VA 23238-2903, having also been referred to as 2113 Pemberton Road, Henrico, VA 23238, which property is described as:

ALL that certain lot, piece or parcel of land, with improvements thereon and appurtenances thereunto belonging, lying and being in Henrico County, Virginia, designated as Lot 20, Block A, Pembroke, all as shown on plat made by Phillip H. Brooks, dated January 21, 1953, recorded March 1953 in the Clerk's Office, Circuit Court, County of Henrico, Virginia in Plat Book 23, pages 109 and 110, and to which plat reference is hereby made for a more particular description.

4. Upon information and belief, Plaintiff is the holder and/or servicer of a certain Deed of Trust Note dated January 12, 2007, which Note is secured by a Deed of Trust of even date therewith and duly recorded.

5. The account is in arrears for 2 monthly post-petition mortgage installments, with the post-petition reinstatement through January 14, 2011, being \$6,815.23, calculated as follows:

|   |            |
|---|------------|
| 3 monthly payments (11/12/10-01/12/11) @ \$1,963.41/month | \$5,890.23 |
| Bankruptcy Fees and Costs - NOA/Plan Review               | 150.00     |
| Bankruptcy Fees and Costs - Motion For Relief             | 775.00     |
| Total   | \$6,815.23 |

6. The unpaid principal balance due on said note is \$257,612.28, and the present approximate payoff balance is \$292,700.00.

7. It is the opinion of the Plaintiff that the Debtors are financially unable to maintain said obligation and that Plaintiff will suffer irreparable injury, loss and damage if it is not permitted to foreclose upon its security interest; otherwise Plaintiff is without adequate protection.

**WHEREFORE**, Plaintiff prays that it be granted relief from the provisions of the automatic stay with regard to the said real property in order to pursue its rights pursuant to the terms of the Note and Deed of Trust, to include the initiation of foreclosure proceedings, and further requests that the fourteen (14) day stay be waived incident to any Order entered incident to the Motion for Relief herein.

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS  
TRUSTEE FOR THE REGISTERED HOLDERS OF  
MORGAN STANLEY ABS CAPITAL 1 INC. TRUST 2007-  
HE6 MORTGAGE PASS-THROUGH CERTIFICATES,  
SERIES 2007-HE6

By: **/s/ ERIC DAVID WHITE**

Of Counsel

Samuel I. White, P. C.

Eric David White, Esquire, VSBN 21346

Michael T. Freeman, Esquire, VSBN 65460

D. Carol Sasser, Esquire, VSBN 28422

1804 Staples Mill Road, Suite 200

Richmond, VA 23230

CERTIFICATE

I hereby certify that a true copy of the foregoing Motion was served by regular mail or email this 14th day of January, 2011 on all necessary parties including Carl M. Bates, Trustee, P.O. Box 1819, Richmond, VA 23218; Linda D. Jennings, Counsel for Debtors, 111 Highland Avenue, Colonial Heights, VA 23834, and Maria Eugenia Giraldo and Carlos Guillermo Guevara, Debtors, 2113 Pemberton Road, Henrico, VA 23238.

**/s/ ERIC DAVID WHITE**

Samuel I. White, P. C.